



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 20, 2022

BY ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

**Re: *United States v. Joshua Adam Schulte,*
S3 17 Cr. 548 (JMF)**

Dear Judge Furman:

The Government respectfully submits this letter pursuant to the Court's Order, dated April 14, 2022 (D.E. 767), directing the Government to address the defendant's allegations in his letter dated April 6, 2022 (D.E. 759), and his request for the audio recording of the defendant's conversation with Officer Nedgine Santana (D.E. 752 at 8). The Government has conferred with counsel for the Metropolitan Detention Center ("MDC"), which has advised the Government that:

- A Captain at the MDC has reviewed multiple angles of video recordings of the law library in the SAMs housing unit.
- There is no audio recording of the law library in the SAMs housing unit.
- On April 4, 2022, the defendant entered the law library at approximately 7:30 a.m., and was taken back to his cell at approximately 4:30 p.m. During that time, the video shows correctional officers on duty making rounds, and the defendant was seen speaking to those correctional officers on several occasions.
- On April 6, 2022, the defendant was taken to the law library at approximately 10:34 a.m. He departed at approximately 11:54 a.m., reentered the law library at approximately 12:16 p.m., and returned to his cell at approximately 7:00 p.m. The video recordings show correctional officers checking in on the defendant multiple times throughout the day. The correctional officers do not, however, have access to the keys to the SAMs unit, which are held by the Lieutenant on duty for the relevant watch period. As a result, only the Lieutenant on duty is able to escort the defendant to the bathroom.
- The video recording does show that the defendant did urinate in the law library on the evening of April 6, 2022. The Lieutenant on duty at that time does not recall the incident involving the defendant. The Lieutenant does recall that, on that day, at approximately

2:30 p.m., an inmate-on-inmate assault occurred that required the deployment of OC spray, and that it can take anywhere from three to four hours to account for the safety of all inmates and staff who were involved, debrief the staff, make medical assessments, decontaminate the area, and draft and submit the necessary reports and paperwork regarding the incident. Accordingly, there may have been a delay from when the defendant made a request to use the toilet and the time that the Lieutenant on duty arrived to escort the defendant to the bathroom.

Counsel for the MDC has further advised the Government that steps are being taken to prevent this incident from reoccurring by allowing additional staff members in addition to the Lieutenant on duty to have access to the SAMs unit for more flexibility to escort SAMs inmates in and out of their cells.

With respect to the defendant's claim that he was not allowed access to food and water, counsel for the MDC has advised that the defendant participates in the observance of Ramadan, which began on April 1, 2022, and as a result, during Ramadan, his meals are served from 6:30 p.m. to 8:15 p.m.

Respectfully submitted,

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by: _____/s/
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cc: Standby Counsel (by ECF)
Joshua Adam Schulte (by mail)